

## **CITY OF HAYWARD**

### **AGENDA REPORT**

AGENDA DATE 01/08/02

AGENDA ITEM 6

WORK SESSION ITEM         

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Tentative Map Tract 7047, Site Plan Review Application No. 99-130-11 and Variance Application No. 99-180-08 – Tennyson Homes L.P./Paul Wong (Applicant/Owner) - Request for a 12-Month Extension of a Tentative Map, Site Plan Review and Variance Applications - The Property is Located at 259 Tennyson Road

#### **RECOMMENDATION:**

It is recommended that the City Council rely on the previously adopted exemption and adopt the attached resolution approving a 12-month extension to Site Plan Review Application No. 99-130-11, Variance Application No. 99-180-08, and Tentative Tract Map 7047, as conditioned.

#### **DISCUSSION:**

On October 19, 1999, on appeal, the City Council unanimously approved a Site Plan Review application, a Variance application to reduce the required lot depth and front yard setback, and a Tentative Tract Map to allow the subdivision of a 1.13-acre parcel into 6 residential lots in an RS (Single-Family Residential) zoning district. In response to an adjacent property owner, a condition was added to limit landscaping materials so as to not restrict the view corridor of the adjacent property. Council's approval of this project remains effective for two years per the State Map Act and City Ordinances.

The City Zoning Ordinance allows a maximum of 2 one-year extensions for the site plan review and variance applications. The State Map Act and the City's Subdivision Ordinance allow non-vesting tentative map approvals to be extended up to a total of 36 months. On September 9, 2001, the owner applied for a 12-month extension of his project. The owner indicates the extension is necessary to allow him to complete negotiations for a drainage easement, which is a requirement of the tentative map. Once he secures the easement he may apply for a final map.

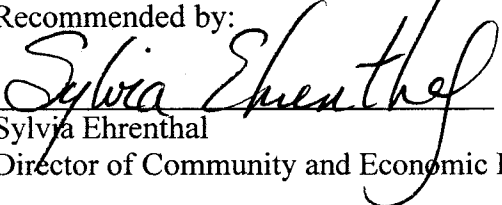
The property is zoned RS (Single-Family Residential) and has a General Plan Map designation of Residential Low Density (4.3 to 8.7 units per net acre). The proposed density of 5.3 units per acre is consistent with the Zoning Ordinance and the General Plan designation. The pie-shaped parcel creates lot designs that resulted in 8-foot and 12.5-foot lot depth variances. City Council determined that the applicant satisfied the intent of the ordinance by complying with the overall lot size requirements, and providing standard sized front and rear yards.

Approval of the extension will allow construction of a project that fulfills the City's goals to create ownership-housing opportunities. Therefore, staff recommends that the City Council approve 12 month extensions for these applications.


Prepared by:

  
\_\_\_\_\_  
Tim Koonze  
Assistant Planner

Recommended by:

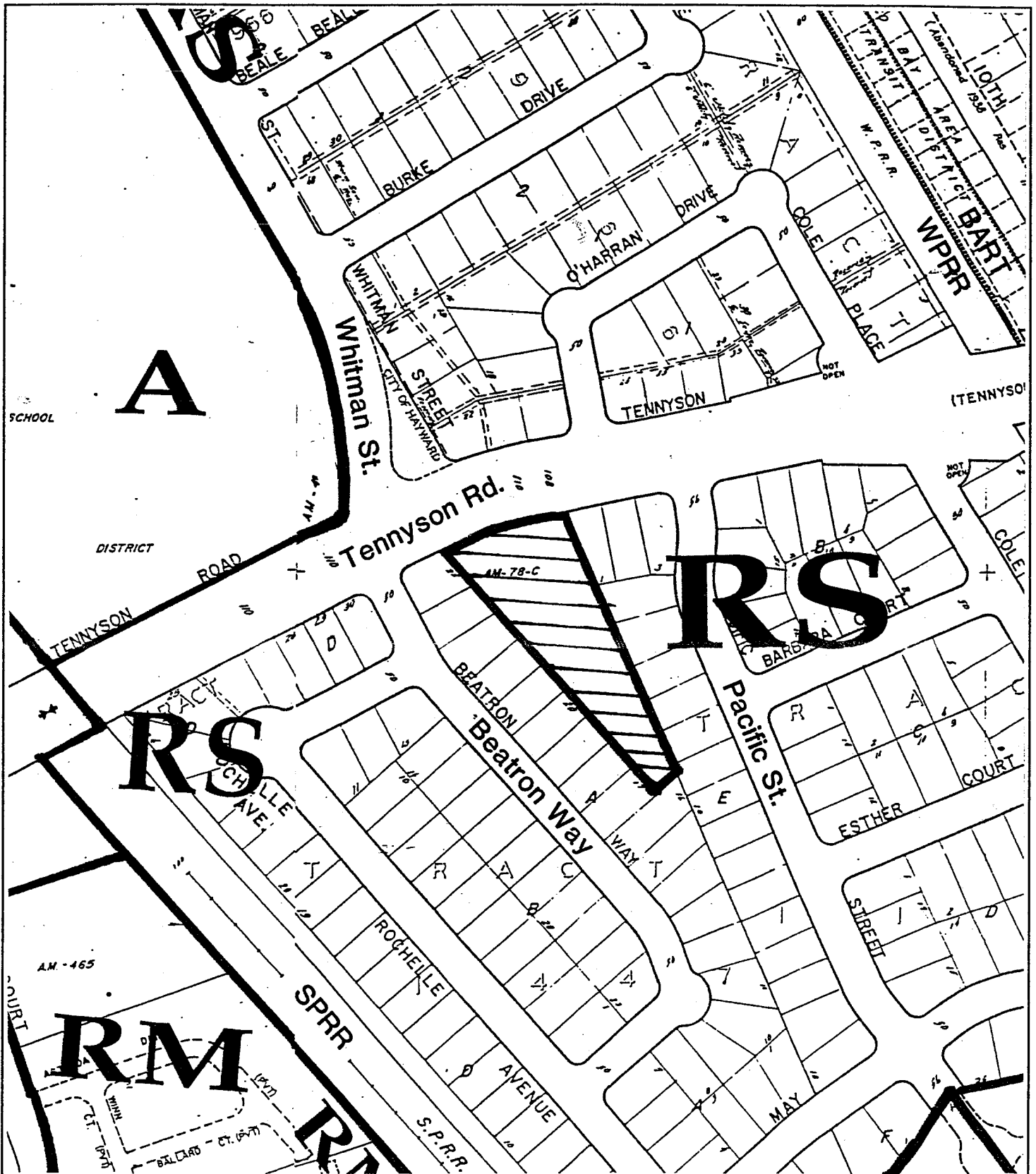
  
\_\_\_\_\_  
Sylvia Ehrental  
Director of Community and Economic Development

Approved by:

  
\_\_\_\_\_  
Jesus Armas, City Manager

Attachments: Exhibit A. Area Map  
Exhibit B. City Council Agenda Report and Minutes of October 19, 1999  
Draft Resolution  
Site Plan  
Tentative Map Tract 7047

01/02/02



**ZONING/AREA MAP ■ PD 99-120-02**

Paul Wong (Appl.)

Tennyson Homes, L.P. (Owner)

259 Tennyson Road



# CITY OF HAYWARD

## AGENDA REPORT

### EXHIBIT B

AGENDA DATE	<u>10/19/99</u>
AGENDA ITEM	<u>2</u>
WORK SESSION ITEM	<u>      </u>

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Tentative Map Tract 7047, Site Plan Review Application No. 99-130-11 and Variance Application No. 99-180-08 - Tennyson Homes L.P./Paul Wong (Applicant/Owner) - Request to Subdivide a 1.13± Acre Parcel into 6 Lots; Approval of Site and Architectural Plans; and, a Variance to the Required Lot Depth - The Property is Located at 259 Tennyson Road within an RS (Single-Family Residential) District

### RECOMMENDATION:

The Planning Commission and staff recommend that the City Council find that the project is exempt from CEQA, approve Tentative Tract Map 7047, and approve the site plan review and variance applications.

### BACKGROUND:

### DISCUSSION:

The property is a vacant parcel in the Warren-Curtis neighborhood previously occupied by a single-family dwelling and a cactus nursery. It is surrounded by one-story single-family residences on lots that are mostly 5,000 square feet in area in the RS (Single-Family Residential) District.

The proposal is to construct six two-story single-family detached dwellings on two 5,000± and four 6,000±-square-foot lots. The lots meet all the requirements of the RS District except for the depth of Lots 3 and 4 (see variance discussion below).

At the Planning Commission hearing of September 2, 1999, two residents on Beatron Way opposed the project because they believe it will block their view of the hills, and increase traffic, noise, and pollution. In addition, they objected to the private street design. They also wanted smaller homes to encourage smaller families, to mitigate the loss of privacy and sunlight, and to conform to surrounding single-story development. One neighboring property owner spoke in favor of the project.

Subsequent to the Commission hearing, one of the neighbors appealed the Commission's recommendation citing the same issues raised at the hearing. Although it was labeled an appeal, the letter in opposition (attached) is not considered an appeal because the Commission's recommendation was not a final decision. Another property owner on Beatron Way wrote a letter in favor of the project.

The Planning Commission and staff find that the project is in conformance with City ordinances and regulations, and addresses to the extent feasible, the concerns of the opposed neighbors. To minimize the loss of privacy to neighbors, the site plan provides for 20-foot-deep or greater rear yards and upper floor windows that are carefully placed to further mitigate the impact of second floors. In addition, the project is conditioned upon planting evergreen trees along the property lines where needed to ensure privacy between the new and existing residences, and installation of a soundwall along the property line where the private street abuts neighboring properties. At the Commission hearing, the applicant explained that there will be 18-foot-wide view corridors between the proposed homes and that any future housing development, be it a one or two-story development, will have some impact on views.

The project was unanimously approved by the Planning Commission.

### Project Design

Access to the project is provided via a 24-foot-wide private street with additional width for six on-street parking spaces, including a fire truck turnaround at the terminus of the street. The entry to the development will be accented with decorative paving and raised planters. All on-site utilities will be owned and maintained by the homeowners association.

The homes are designed in a contemporary Craftsman-like architectural style with a stucco finish and concrete tile roofs. Each unit has approximately 1,732 square feet of living space, including 4 bedrooms, 2 ½ bathrooms, and a two-car garage.

A terraced 6-foot-high decorative concrete block wall that is setback between 10 and 17 feet from Tennyson Road will provide sound attenuation from traffic on the arterial, and the homes will have additional sound mitigation measures as recommended by the project acoustical study. A private fenced rear yard and paved patio will be provided for each home. Planting areas throughout the project, except for private yards, will be landscaped and maintained by a homeowners' association. Additional tree planting will be required along the sound walls along both east and west property lines. Two of the three existing trees located on the property will be retained.

### Request for Variance

The applicant has requested a variance to the required lot depth for two lots having a minimum lot depth between 67.5 to 72.3 feet where a minimum 80-foot depth is required. The property street frontage along Tennyson Road is approximately 152 feet tapering to a width of 46.29 feet at the rear of the lot. The shape of the property and the proposed street layout result in the creation of two lots, 3 and 4, that have less than the required lot depth. Given the wedge shape of the property and the fact that the lots are consistent with the minimum lot size and front and rear yard requirements, the variance may be supported. Houses on these lots will have rear-yard setbacks of 20 and 25 feet respectively.

### Conclusion

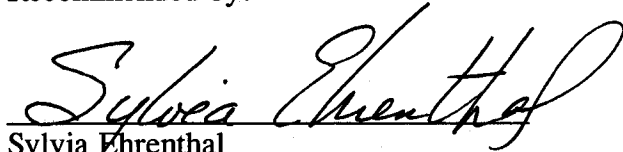
The project is consistent with goals, policies and requirements of the General Policies Plan, the Zoning Ordinance, and the Tennyson-Alquire Neighborhood Plan. Approval of the tentative map, site plan and variances will allow construction of a project that fulfills the City's goals to create ownership housing opportunities.

Prepared by:



Sheldon McClellan  
Senior Planner

Recommended by:



Sylvia Ehrenthal  
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A – Zoning/Area Map  
Exhibit B – Findings for Approval – Tentative Map Tract 7047  
Exhibit C – Findings for Approval – Site Plan Review & Variance  
Exhibit D – Conditions of Approval – Tentative Map Tract 7047  
Exhibit E – Conditions of Approval – Site Plan Review & Variance  
Exhibit F – Planning Commission Minutes and Staff Report, dated 9/02/99  
Exhibit G – Letters in Opposition and Support of the Project  
Tentative Map Tract 7047  
Site, Building and Landscape Plan

10.12.99

## ~~CONSENT~~

1. Approval of Minutes of the Meeting of the City Council of October 12, 1999.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to approve the Minutes of the Meeting of the City Council of October 12, 1999.

## HEARINGS

2. ~~Tentative Map Tract 7047, Site Plan Review 99-130-11 and Variance Application 99-130-08 - Tennyson Homes L.P./Paul Wong (Applicant/Council) - Request to Subdivide a 1.13+ Acre Parcel into 6 Lots, Approval of Site and Architectural Plans, and a Variance to the Required Lot Depth - The Property is Located at 259 Tennyson Road within an RS (Single-Family Residential) District~~

Staff report submitted by Senior Planner McClellan, dated October 19, 1999, was filed.

Senior Planner McClellan displayed the site plan depicting the project and the variances needed to develop the six two-story single-family homes. This project is in conformance to the Tennyson-Alquire Neighborhood Plan as it provides low-density in-fill housing units to this community.

He responded to questions from the Council, noting that this is the recommendation from the Planning Commission and the Council has the final action this evening. He indicated that the view corridor is more extensive than normal. He indicated that staff supports the variances due to special circumstances and the developer is adhering to the conditions of the zoning regulations. There was discussion relating to potential graffiti along the wall that will be installed and conditions will be included to plant vines and shrubbery along the wall.

Regarding the conditions addressing recycling construction materials, staff noted that there is a condition that the developer will present a plan for recycling for staff approval. Parking concerns were discussed. The turnaround area curving will be painted red and signage will be installed to reserve this area for emergency turnaround and to preclude any public parking.

Mayor Cooper opened the public hearing at 8:44 p.m.

Deborah Sanchez, 28260 Beatron Way, spoke against the project, stating that this project will impose a dangerous condition, there is excessive pavement and walls without houses fronting that side of the street. Additionally, her view, which she has enjoyed for the past 25 years will be blocked. She expressed concern about the variance and stated that it does not look like 80 feet in depth.



**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, October 19, 1999, 8:00 p.m.**

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Bill Poon, Project Architect, showed a topographic section of the project, which illustrates the hill view issue and the gaps necessary between houses for continuing views. He also commented on the traffic to and from the project on Tennyson Road. He commented on the fact that the area is controlled with a traffic signal. He also noted that there is ample time between red lights to egress the project. The Tennyson-Alquire Neighborhood Plan indicated that the Task Force encouraged this site as a church site, which did not work out.

Council Member Ward suggested that a condition might be added that would restrict the landscaping to prevent the furtherance of blocking the view from the home of Ms. Sanchez.

Mr. Poon suggested they could customize a view corridor from Ms. Sanchez lot.

Council Member Henson suggested a revision to the footprint to allow a better view-corridor and it was noted by the architect that it would not be an advantage since the 2-story would allow for more of a view-corridor.

Mayor Cooper closed the public hearing at 8:58 p.m.

Council Member Henson suggested that the developer has attempted to address all of the issues. He then moved the item.

It was moved by Council Member Henson, seconded by Council Member Ward, and unanimously carried by all present, to approve the following with an additional condition that would limit the landscape materials to be planted on the lot immediately adjacent to the property owned by Ms. Sanchez that would further block her existing view:

Resolution 99-165, "Resolution Approving the Tentative Map for Tract 7047, Along with Site Plan Review Application No. 99-130-11 and Variance Application No. 99-180-08 for Tennyson Homes, L.P. Paul Wong (Applicant/Owner)"

### **LEGISLATIVE BUSINESS**

3. Consideration of Architectural Design and Lease Agreement Related to Proposed Home Depot -- The Project Site is Adjacent to Hayward Executive Airport and Generally Bound by Hesperian Boulevard, Sueirro Street, Skywest Drive and West "A" Street

- A. Review and Approval of Project Design

Staff report submitted by Associate Planner Patenaude, dated October 19, 1999, was filed.



# DRAFT

mae  
12/31/01

## HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

**RESOLUTION APPROVING A 12-MONTH EXTENSION TO  
TENTATIVE MAP TRACT 7047, SITE PLAN REVIEW  
APPLICATION 99-130-11 AND VARIANCE APPLICATION  
NO. 99-180-08 OF TENNYSON HOMES L.P./PAUL WONG  
FOR DEVELOPMENT OF PROPERTY LOCATED AT 259  
TENNYSON ROAD**

WHEREAS, on October 19, 1999, the City Council of the City of Hayward approved Site Plan Review Application No. 99-130-11, Variance Application No. 99-180-08 and Tentative Map Tract 7047, to develop a 1.13 acre parcel located at 249 Tennyson Road ("the Project") in 6 residential lots in a RS (Single-Family Residential) zoning district; and

WHEREAS, the variance requested by Tennyson Homes L.P./Paul Wong was requested to reduce the required lot depth and front yard setbacks; and

WHEREAS, the City Zoning Ordinance allows a maximum of 2 one-year extensions for the site plan review and variance applications and the State Map Act and the City's Subdivision Ordinance allow non-vesting tentative map approvals to be extended up to a total of 36 months; and

WHEREAS, the owner timely applied for a 12-month extension of the Project approvals to complete negotiations for drainage easements necessary prior to submittal of a final map; and

WHEREAS, the City Council has reviewed and considered all material presented, including the record of the proceedings before the Planning Commission, and finds and determines that there has been no change of circumstances relative to the Project warranting additional environmental review under CEQA and reliance on the previously adopted categorical exemption is warranted.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward to adopt the following findings and determinations:

1. There has not been a change in circumstances relative to the Project warranting additional environmental review under the California Environmental Quality Act and reliance on the previously adopted categorical exemption, Section 15332 (In-Fill Development Projects), Class 32, is appropriate.

1. The 12-month extension is necessary to allow the owner to complete negotiations for a drainage easement, which is a requirement of the tentative map.
2. The proposed project is in conformance with existing development regulations, including the goals, policies and requirements of the Tennyson-Alquire Neighborhood Plan, the General Policies Plan and the Zoning Ordinance.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Hayward that Tentative Map Tract No. 7047, Site Plan Review Application 99-103-11 and Variance Application No. 99-180-08 are hereby extended for a period of 12 months, subject to the conditions of approval presented and approved at the October 19, 1999, meeting.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward